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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,990	03/13/2001	Jin Soo Lee	24286/81651	9375

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/803,990	LEE ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Neither usage history information (claims 31-34) nor a storage medium is statutory subject matter and therefore is not patentable. As the limitations of the claims are similar to the limitations of the statutory claims, they will be examined based on the limitations in those claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22, 23, 25-27, 29-32, 34-36, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Seidman.

3. Referring to claim 22, Seidman discloses a device for generating usage history information describing a list of user actions with respect to multimedia content (column 7, lines 39-41), wherein said usage history information comprises: an action type information describing a type of action contained in said list of user actions (column 7,

lines 43-44 and 46-47; Note: tuning in to or tuning out from a program is being interpreted as equivalent to an action); and a user action information describing each action contained in said list of user actions, wherein said user action information comprises: a time information describing a time when each action takes place (column 7, lines 44-45); and a URL, indicating a location containing a description of said multimedia content (column 7, line 45; Note: the channel that the person is watching is being interpreted as being equivalent to the location of multimedia content).

4. Referring to claim 23, Seidman discloses a device according to claim 22, wherein each action contained in said list of user actions has the same action type information (figure 4, part 42; Note: Tune Begin and Tune End are being interpreted as being equivalent to a type of action).

Referring to claim 25, Seidman discloses a device according to claim 22, wherein said user action information further comprises a program identifier of multimedia content associated with each action (figure 4, part 44; Note: the name of the program is being interpreted as equivalent to a program identifier).

5. Referring to claim 26, Seidman discloses a method for processing user preference information based on a list of user actions with respect to multimedia content (column 7, lines 39-41), the method comprising: generating usage history information when each action takes place (column 7, lines 43-44 and 46-47); and extracting said user preference information from said generated usage history information for a certain period (column 7, lines 56-62), wherein said usage history information comprises: an action type information describing a type of action contained in said list of user actions

(column 7, lines 43-44 and 46-47; Note: tuning in to or tuning out from a program is interpreted as being equivalent to an action); and a user action information describing each action contained in said list of user actions, wherein said user action information comprises: a time information describing a time when each action takes place (column 7, lines 44-45); and a URL indicating a location containing a description of said multimedia content (column 7, line 45; Note: the channel that the person is watching is being interpreted as being equivalent to the location of multimedia content).

6. Referring to claim 27, Seidman discloses a method according to claim 26, wherein each action contained in said list of user actions has the same action type information (figure 4, part 42; Note: Tune Begin and Tune End are being interpreted as equivalent to a type of action).

Referring to claim 29, Seidman discloses a method according to claim 26, further comprising collecting said generated usage history information to extract said user preference information (column 7, lines 39-41 and 56-62).

7. Referring to claim 30, Seidman discloses a method according to claim 26, wherein said user action information further comprises a program identifier of multimedia content associated with each action (figure 4, parts 42, 43, 44, and 45).

Claim 31 is rejected on the same grounds as claim 22.

Claim 32 is rejected on the same grounds as claim 23.

Claim 34 is rejected on the same grounds as claim 25.

Claim 35 is rejected on the same grounds as claim 22.

Claim 36 is rejected on the same grounds as claim 23.

Claim 38 is rejected on the same grounds as claim 25.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 28, 33, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seidman in view of Arsenault.

9. Referring to claim 24, Seidman discloses a device according to claim 22, wherein said description comprises genre of said multimedia content (column 7, line 46; Note: category is interpreted as being equivalent to genre).

Seidman does not disclose a device according to claim 22, wherein said description comprises director and actor of said multimedia content.

Arsenault discloses a device according to claim 22, wherein said description comprises director and actor of said multimedia content (column 16, lines 53-58 and 59-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the system disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).

10. Referring to claim 28, Seidman discloses a method according to claim 26, wherein said description includes genre of said multimedia content (column 7, line 46).

Seidman does not disclose a method according to claim 26, wherein said description includes director and actor of said multimedia content.

Arsenault discloses a method according to claim 26, wherein said description includes director and actor of said multimedia content (column 16, lines 53-58 and 59-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to expand the description of multimedia content as taught by Arsenault in the method disclosed by Seidman. The motivation for this would be to enable the device make a more informed choice when providing content to the subscriber (Arsenault: column 16, lines 59-61).

Claims 33 and 37 are rejected on the same grounds as claim 24.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


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